



Division of Water Rights Permit Process

- **Filing an Application**
- **Acceptance of Application**
- **Environmental Review**
- **Public Notice**
- **Protest Resolution**
- **Permit Issuance**
- **Licensing**

Permittees range from water districts and electric utilities to farmers and ranchers. Permits are not required for riparian right holders, groundwater users, users of purchased water or those who use water from springs or standing pools lacking natural outlets. Unauthorized appropriation of water is against the law and can result in court action and fines.

Water right permits spell out the amounts, conditions, and construction timetables for the proposed water project. Before the State Board issues a permit, it must take into account all prior rights and the availability of water in the basin. The State Board considers the flows needed to preserve instream uses such as recreation and fish and wildlife habitat. The State Board's Division of Water Rights maintains records of water appropriation and use statewide.

To obtain a permit, the applicant must follow these steps:

- **Filing an Application.** The process is initiated when the person or agency desiring to divert water files a permit application. This application specifically describes the

proposed project's source, place of use, purpose, point(s) of diversion, and quantity to be diverted, and time during the year when water will be diverted.

- **Acceptance of Application.** The State Board notifies the applicant within 30 days whether the application is incomplete or accepted. Acceptance establishes priority as the date of filing.
- **Environmental Review.** The California Environmental Quality Act (CEQA) requires the State Board to consider the environmental effects of a project before a permit is issued. Large projects that could endanger or degrade natural habitat or water quality usually require preparation of an Environmental Impact Report (EIR). The State Board examines the proposed project's potential environmental impacts and determines whether mitigation measures will be needed.
- **Public Notice.** The State Board publishes a notice of the applicant's intent and invites comment. Copies of any protests are given to the applicant who is required to respond.

FACTSHEET

- **Protest Resolution.** The State Board takes actions to resolve any protests that have been filed. If both parties can agree, the protest is resolved. If it is not resolved for small projects, the issue may be resolved through a field investigation and subsequent decision from the State Board's Division of Water Rights. For large projects, a formal hearing is held before one or more members of the State Board. The State Board's decision is based upon the record produced at the hearing.
- **Permit Issuance.** Two initial State Board findings are required before a permit can be issued: (1) that unappropriated water is available to supply the applicant; and (2) that the applicant's appropriation is in the public interest, a concept that is overriding concern in all Board decisions. The permit is then issued if the State Board determines that the proposed use of water best meets these criteria. If it determines otherwise, conditions may be imposed to ensure the criteria are met or the application may be denied. In most cases, the applicant is required to begin project construction within two years of permit issuance.

Other conditions are placed on the permit, such as when water use is to be completed. The permittee may petition for an extension. Unlike riparian rights, appropriative rights are quantified as the maximum amount that would ultimately be needed by the proposed project (or "beneficial use(s)"), for as long as the project is deemed reasonable and diligently pursued. Any change in purpose, place of use, or point of

diversion requires State Board approval. The proposed change cannot initiate a new right or injure any other legal user of water.

- **Licensing.** When the project is completed, the terms of the permit have been met and the largest volume of water is put to beneficial use, the State Board confirms the terms and conditions and issues a license to the appropriator. This license is the final confirmation of the water right and remains effective as long as its conditions are fulfilled and beneficial use continues.

The State Board has the authority to enforce the conditions of the permit and license and is empowered to revoke either in case the conditions are not met. Other, less severe action may be taken or the State Board may issue a cease and desist order to ensure that the terms are complied with promptly.

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